

Mr. Brunson has been on pre-trial release since October 29, 2019 stemming from an information filed on September 26, 2019 with absolutely no supervisory issues. The sentence currently recommended by USPO Brian Mills and AUSA Chris Howard is 30 months as contained in the Sentencing Recommendation, which, as per plea agreement, is the low end of his 30-37 month advisory range. Due to the length of that recommended sentence and the attendant circumstances to be addressed herein a sentence significantly less than 30 months would still be

“sufficient, but not greater than necessary” to achieve the purposes of sentencing as set forth in 18 U.S.C. §3553(a)(2).

This request in no way signifies that Defendant wishes to minimize his role in the offense pled to before Your Honor on October 29, 2019 or that he maintains his innocence in any way; rather the request is made due to the factors set out below.

Mr. Brunson has been very forthcoming about his conduct since the beginning. He put in a very timely plea, offered a proffer, and has also signed restitution paperwork for the IRS debt in this matter. Overall he has been exceedingly easy to work with and knows that he is guilty as charged. My take on the circumstances is that Mr. Brunson was in way over his head at his previous job and was under tremendous stress as a result of that. He essentially had five bosses as head of a joint city/ county Public Service Authority in Camden County with a multitude of duties, some of which he had no background in. The stress was just too much to take, and the toll it took is still very apparent when talking to him.

The primary reason I am requesting a downward departure is that this sort of behavior is so far removed from Mr. Brunson’s character and past. As noted in the Sentencing Recommendation, “Brunson’s criminal conduct is in sharp contrast to his otherwise lack of criminal history.” He has no criminal history and a long history of dedicated public service. His conduct, though prolonged, is a complete aberration from the way Mr. Brunson has lived his life. Nothing in his disposition suggests that

he is a danger to anybody, and there is no way possible for him to continue with his career or attempt action like this again even without a federal conviction on his record for reasons to be set out later in this memorandum.

Mr. Brunson is in terrible physical condition. He had his first of three heart stents in 2015 and has severe cardiovascular issues, particularly hypertension. He suffers from diabetes to the extent that he is legally blind and confined to a mobility chair with extremely swollen feet. He was approved for full SSD as a result of his physical condition on April 28, 2020. Medical and SSD determination records will be available for Your Honor's review at sentencing if desired. Mr. Brunson cannot drive and has barely left the house in the last two years except for court and medical appointments. He is essentially a shut-in and relies on his wife to be his caregiver. To say that he is medically vulnerable in the Age of COVID would be a vast understatement. Virus contraction would essentially be a death sentence for him in his compromised physical state.

As dreadful as Mr. Brunson's physical condition is, I believe his emotional and mental well-being are just as bad, if not worse. Mr. Brunson is a pleasant, friendly person, but I do not believe I have seen him smile one time during the year I have known him. He is an absolutely defeated person between the stress of his job, losing his job, facing state and federal charges, and his deteriorating physical condition. It is apparent that he has acute depression, but he simply does not have the resources

to be diagnosed or treated. The man has suffered greatly already due to his actions in this matter, and I do not see any end in sight for his suffering either.

Mr. Brunson lives with his wife of twenty years in a modest home in Kingsland and their dogs. They do not have kids or a supportive social network. He did not have much of a social circle outside of his co-workers before all this and has not been allowed to contact them since this action commenced. He has even had to limit his contact with his sister due to her position with the Camden County government.

A recent conversation with William and his wife was particularly heart breaking. He has not had health insurance since his employment was terminated so they could only afford his heart and blood pressure medications. As a result they were forced to actually ration out his insulin in the midst of his diabetic complications quickly worsening. Thankfully, he will begin receiving SSD insurance benefits shortly.

Your Honor, to sum this all up: Mr. Brunson has already suffered tremendously; there is essentially zero threat of him even attempting anything like this again; there is nothing in his demeanor or record to suggest he otherwise poses any threat to society; and, despite being relatively young, I would ask Your Honor to strongly consider the risk of COVID contraction, and an almost certain consequential death, that incarceration would pose to Mr. Brunson. Between this conviction and his SSD determination, it is simply not possible for Mr. Brunson to

ever return to his line of work and commit crimes like this ever again. He is simply not a danger to society in any way. I would further request that should he be sentenced to custody that Your Honor would recommend placement at Jesup with voluntary surrender on account of the available resources there and proximity to Defendant's family. Thank you for Your Honor's consideration.

RESPECTFULLY SUBMITTED, this 19th day of August 2020.

/s/ *Cain Smith*

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